

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #10	CCRB Case #: 201805607	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 07/08/2018 10:10 PM	Location of Incident: 25 Central Avenue	Precinct: 83	18 Mo. SOL 1/8/2020	EO SOL 1/8/2020	
Date/Time CV Reported Tue, 07/10/2018 8:41 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 07/10/2018 8:41 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Jalal Ali	10928	960147	PSA 3

Officer(s)	Allegation	Investigator Recommendation
A.POM Jalal Ali	Discourtesy: Police Officer Jalal Ali spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On July 10, 2018, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

At approximately 10:10 p.m. on July 8, 2018, § 87(2)(b) got into an argument with his girlfriend, § 87(2)(b) in front of the PSA 3 stationhouse in Brooklyn. During this argument, § 87(2)(b) fell to the ground. PO Jalal Ali and PO Chase Kelley of PSA 3 were also in front of the stationhouse at the time. § 87(2)(b) told the officers that § 87(2)(b) had pushed her. PO Ali and PO Kelley arrested § 87(2)(b). During the arrest, PO Ali told § 87(2)(b) “Calm your fucking nerves,” “Fucking relax,” and, “What the fuck is wrong with you” (**Allegation A – Discourtesy: Word**, § 87(2)(g) § 87(2)(b) was taken into custody and charged with § 87(2)(b).

PO Ali recorded the incident using his body-worn camera (See Board Review #01: Video Footage). The video was attached in IA #40. It was summarized in IA #41 (See Board Review #02: Video Summary). The footage has been attached below. No other video footage was found for this incident.

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Jalal Ali spoke discourteously to § 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on July 17, 2018 (See Board Review #03: § 87(2)(b) Statement). He stated that he and § 87(2)(b) were arguing in front of the PSA 3 stationhouse. § 87(2)(b) fled from him. § 87(2)(b) ran after § 87(2)(b) § 87(2)(b) fell to the ground as she ran. § 87(2)(b) denied that he pushed her. After § 87(2)(b) fell, PO Ali and PO Kelley approached § 87(2)(b) and grabbed him by the arms. § 87(2)(b) asked the officers why they were touching him. PO Ali told § 87(2)(b) several times to “shut the fuck up.” § 87(2)(b) denied that he offered any physical resistance to the officers. § 87(2)(b) told the officers that § 87(2)(b) had pushed her. PO Ali and PO Kelley placed § 87(2)(b) in handcuffs. He was arrested and charged with assaulting § 87(2)(b).

Efforts were made to contact § 87(2)(b) by telephone, mail and email. She did not respond to these contact attempts (See Board Review #04: Civilian Contact Attempts).

PO Ali was interviewed at the CCRB on August 17, 2018 (See Board Review #05: PO Ali’s Statement). He stated that he and PO Kelley were walking into the stationhouse when they heard § 87(2)(b) scream. When they went to investigate, they found § 87(2)(b) on top of § 87(2)(b). § 87(2)(b) § 87(2)(b) accused § 87(2)(b) of pushing her. § 87(2)(b) attempted to flee from the officers, but they were able to stop him by grabbing his arms. The officers held § 87(2)(b) against the side of a parked car and placed him in handcuffs. PO Ali ordered § 87(2)(b) to stop running and to put his hands behind his back. He denied using any profanity towards § 87(2)(b) during the incident.



2018-07-08_21-18-08.AVI

PO Ali recorded the incident using his body-worn camera (See Board Review #01: Video Footage). Between 0:00 and 0:35, the video shows PO Ali approaching § 87(2)(b) and § 87(2)(b) in front of the stationhouse. § 87(2)(b) is sitting on the sidewalk. The camera then goes dark. Between 0:35 and 4:00, PO Ali and § 87(2)(b) can be heard shouting at each other. At 0:50, PO Ali states, “Calm your fucking nerves.” On 1:10, PO Ali states, “On the fucking ground. Get down.” At 1:35, § 87(2)(b) asks, “What you touching me for?” PO Ali replies, “Until you fucking relax, then I’ll let you go, alright?” § 87(2)(b) states, “I didn’t do nothing.” PO Ali states, “If you fucking relax, I’m gonna let you go.” At 2:28, PO Ali asks, “What the fuck is wrong with you?” At 4:00, the camera shows the inside of the stationhouse. The video then ends at 4:05. No other profanity is heard on the recording.

PO Ali was shown the video recording that he made during the incident. He confirmed that he was the officer heard using profanity on the recording. When asked why he used profanity while addressing § 87(2)(b) he stated that he did so because he was engaged at the time with a physical struggle to subdue § 87(2)(b). He stated that the struggle was still ongoing when all of the profanity heard on the recording was used. PO Ali also explained that the video went dark because his camera was knocked off of his chest while he was apprehending § 87(2)(b).

NYPD Patrol Guide procedure 203-09 states that officers must be courteous and respectful when interacting with members of the public. Officers may use limited profanity towards civilians in an effort to gain control of a dynamic situation. Officers may not use profanity in order to belittle or insult civilians. Police Department v. Pichardo, DAO-DCT Case #2015-15012 (See Board Review #06-07: Legal Reference).

§ 87(2)(g)
[Redacted text block]

§ 87(2)(g)
[Redacted text block]

Civilian and Officer CCRB Histories

- § 87(2)(b)
[Redacted text block]

■ § 87(2)(b)

- PO Ali has been a member of the service for two years and has been a subject in one previous CCRB complaint and four allegations, of which three were substantiated:
 - 201701698 involved substantiated allegations of threat of arrest, refusal to provide name and/or shield number and discourtesy. The Board recommend instructions and the NYPD has not yet imposed discipline.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- A Notice of Claim request was sent to the NYC Office of the Comptroller on August 21, 2018. It will be included in the case file upon receipt.

• [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date